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12 and THE DIAL CORPORATION, individually
13 and as alleged successors-in-interest to
14 GRISCOM-RUSSELL COMPANY

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

17 ROBERT GARRITANO,

18 Plaintiff,

19 v.

20 ASBESTOS DEFENDANTS (B♠P) As
21 Reflected on Exhibits B, B-1, C, H, I; and
22 DOES 1-8500.

23 Defendants.

) Federal Case No. **C07 4155 EDL**

) State Case No. **CGC 06-452792**

) **PROOF OF SERVICE RE: NOTICE OF**
) **REMOVAL**

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PROOF OF SERVICE

I am a citizen of the United States and am employed in the County of Sacramento. I am over the age of 18 years and not a party to the within cause; my business address is 1730 I Street, Suite 240, Sacramento, California 95814.

I am familiar with the business practice at my place of business for collection and processing of documents for mail. Documents so collected and processed, with postage fully prepaid, will be deposited with the United States Postal Service that same day in the ordinary course of business.

On **August 17, 2007**, I served the following document(s):

1. **Civil Cover Sheet; Notice of Removal of Action Pursuant to 28 U.S.C. Sections 1442(a)(1) AND 1446(a);**
2. **Order Setting Initial Case Management Conference and ADR Deadlines;**
3. **Standing Order;**
4. **Standing Order for All Judges of the Northern District of California, Contents of Joint Case Management Statement;**
5. **Standing Order Re: Case Management Conference;**
6. **USDC Guidelines;**
7. **Notice of Assignment of Case to a United States Magistrate Judge for Trial;**
8. **Consent to Proceed Before a United States Magistrate Judge;**
9. **Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge; and**
10. **ECF Registration Information Handout**

On all interested parties in said cause, by delivering a true copy as follows:

BY MAIL: I placed a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid. I deposited said envelope in the United States mail in Sacramento, California. C.C.P. §1013(a)(b)

BY PERSONAL SERVICE: I placed a true copy thereof enclosed in a sealed envelope and caused such envelope to be delivered by hand via _____ to the offices of the addressed below. C.C.P. §1011(a)(b)

BY OVERNIGHT DELIVERY: I sent a true copy thereof for overnight delivery via FEDERAL EXPRESS. C.C.P. §1013(c)(d)

X BY ELECTRONIC SERVICE: I sent a true copy thereof via LexisNexis. CCP § 1010.6(a)(2)(B)(6)

Each envelope (if applicable) was addressed as follows:

David Donadio, Esq.
BRAYTON PURCELL, LLP
 222 Rush Landing Road
 P.O. Box 6169
 Novato, California 94948-6169

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct, and that this declaration was executed on **August 17, 2007**, at Sacramento, California.

/s/ Lucille T. Crozier

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAORIGINAL
FILED

AUG 13 2007

ROBERT GARRITANO,

Plaintiff (s),

v.

ASBESTOS DEFENDANTS,
Defendant(s).No. C 07-04155 EDL RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE
AND ADR DEADLINES**

IT IS HEREBY ORDERED that this action is assigned to the Honorable Elizabeth D. Laporte. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the handbook entitled "Dispute Resolution Procedures in the Northern District of California", the Notice of Assignment of Case to a United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the handbook entitled "Dispute Resolution Procedures in the Northern District of California."

CASE SCHEDULE -ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
8/13/2007	Notice of removal filed	
10/30/2007	Last day to: <ul style="list-style-type: none"> meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	<u>FRCivP 26(f) & ADR L.R.3-5</u> <u>Civil L.R. 16-8</u>
11/13/2007	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at http://www.cand.uscourts.gov)	<u>FRCivP 26(a)(1)</u> <u>Civil L.R. 16-9</u>
11/20/2007	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Ctrm E, 15th Floor, SF at 10:00 AM	<u>Civil L.R. 16-10</u>

STANDING ORDER

Magistrate Judge Elizabeth D. Laporte

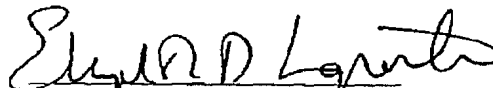
- 1) Civil law and motion is heard on Tuesdays at 9:00 a.m. Criminal law and motion is heard on Tuesdays at 1:15 p.m. Counsel need not reserve a hearing date in advance. However, noticed dates may be reset as the court's calendar requires.
- 2) Case Management Conferences are held on Tuesdays at 10:00 a.m. Pretrial Conferences are held on Tuesdays at 2:00 p.m.
- 3) Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not less than 35 days pursuant to Civil L.R. 7-2. Alternatively, any party may seek an order to shorten or enlarge time under Civil L.R. 6-3 if the circumstances justify that relief. In emergencies during discovery events, the Court is available pursuant to Civil L.R. 37-1(b).

In the event a discovery dispute arises, counsel (or if pro se, the party) seeking discovery or a protective order shall confer in good faith with opposing counsel (or pro se party) in an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L.R. 37-1(a). The Court will not consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil L.R. 37-1(a).

- 4) The Court strives to set matters and render decisions in a timely manner. The Court encourages parties to advise the Court by letter to chambers of any matter that appears to have been unduly delayed.

IT IS SO ORDERED.

Dated: July 26, 2005


ELIZABETH D. LAPORTE
United States Magistrate Judge

**STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF
CALIFORNIA**

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT

Commencing March 1, 2007, all judges of the Northern District of California will require the identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably evident in this action, including interdiction of any document-destruction program and any ongoing erasures of e-mails, voice mails, and other electronically-recorded material.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f).
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.
11. Relief: All relief sought through complaint or counterclaim, including the amount of any

damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.

13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment.

14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.

16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited basis with streamlined procedures.

17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.

18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.

19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s), No. EDL
v. STANDING ORDER RE
CASE MANAGEMENT CONFERENCE
Defendant(s). /

Lead trial counsel who will try this case are directed to confer in advance of the Case Management Conference with respect to all matters contained in the attached Proposed Joint Case Management Order, including a **discovery plan and discovery limits** and all other matters described in Federal Rules of Civil Procedure 16(a), 16(b) and 26(f) and Civil Local Rule 16-10. Pursuant to Civil L.R. 16-10(a), **lead trial counsel shall attend the Case Management Conference** and be prepared to discuss all matters referred to in this order. Counsel shall have the authority to enter stipulations and make admissions regarding all matters described herein.

PLAINTIFF IS DIRECTED TO SERVE COPIES OF THIS ORDER AT ONCE UPON ALL PARTIES IN THIS ACTION AND UPON THOSE SUBSEQUENTLY JOINED IN ACCORDANCE WITH THE PROVISIONS OF FEDERAL RULES OF CIVIL PROCEDURE 4 AND 5 AND CIVIL LOCAL RULES 4 AND 5, and to file with the Clerk of the Court a Certificate reflecting such service.

Failure to comply with this order, the provisions of Federal Rule of Civil Procedure 16 and 26(f) or the provisions of Civil L.R. 16-10 may be grounds for sanctions. (See Fed. R. Civ. P. 16(f)).

Dated: January 26, 2001


ELIZABETH D. LAPORTE
United States Magistrate Judge

WELCOME TO THE U.S. DISTRICT COURT, SAN FRANCISCO
OFFICE HOURS: 9:00 A.M. TO 4:00 P.M.
415.522.2000
www.cand.uscourts.gov

In Addition to the Local Rules, the Following Guidelines Have Been Provided to Ensure That the Filing Process Is Accomplished with Ease and Accuracy. For Additional Information or Assistance, Please Call the above Number During Office Hours.

1. Documents are to be filed in the Clerk's Office at the location of the chambers of the judge to whom the action has been assigned. We do not accept filings for cases assigned to judges or magistrate judges in the Oakland or San Jose division, per Civil L.R. 3-2(b).
2. This office will retain the original plus one copy of most documents submitted. We will conform as many copies as you bring for your use. Related cases require an extra copy for each related action designated.
3. The copy retained goes directly to the assigned Judge. Courtesy copies, or instructions for couriers to deliver a copy directly to chambers are inappropriate, unless you have been instructed to do so by court order.
4. In order to facilitate the file stamping process, each original document should be submitted on top of its copies. In other words, group like documents together--as opposed to a set of originals and separate sets of copies.
5. The case number must indicate whether it is a civil or criminal matter by the inclusion of **C** or **CR** at the beginning of the number. Miscellaneous and foreign judgment matters should also be indicated with initials **MISC** or **FJ** at the end of the case number.
6. The case number must include the initials of the judge and/or magistrate judge followed by the letters designating the case Arbitration (**ARB**), Early Neutral Evaluation (**ENE**) or Mediation (**MED**)--if assigned to one of those programs.
7. The document caption should include the appropriate judge or magistrate judge involved in a particular matter or before whom an appearance is being made. This is especially important when submitting Settlement Conference Statements.
8. Documents are to be stapled or acco-fastened at the top. Backings, bindings and covers are not required. Two holes punched at the top of the original document will facilitate processing.
9. Appropriately sized, stamped, self-addressed return envelopes are to be included with proposed orders or when filing documents by mail.

10. Proofs of service should be attached to the back of documents. If submitted separately, you must attach a pleading page to the front of the document showing case number and case caption.
11. There are no filing fees once a case has been opened.
12. New cases must be accompanied by a completed and signed Civil Cover Sheet, the filing fee or fee waiver request form and an original plus **two** copies of the complaint and any other documents. For Intellectual Property cases, please provide an original plus **three** copies of the complaint. Please present new cases for filing before 3:30 p.m., as they take a considerable amount of time to process.
13. Copies of forms may be obtained at no charge. They may be picked up in person from the Clerk's Office forms cabinet or with a written request accompanied by an appropriate sized, stamped, self-addressed envelope for return. In addition, copies of the Local Rules may be obtained, free of charge, in the Clerk's Office or by sending a written request, along with a self-addressed, 10" x 14" return envelope, stamped with **\$ 3.95** postage to: Clerk, U.S. District Court, 450 Golden Gate Avenue, 16th Floor, San Francisco, CA 94102.
14. Two computer terminals which allow public access to case dockets and one terminal with information regarding files at the Federal Records Center (FRC) are located in the reception area of the Clerk's Office. Written instructions are posted by the terminals. Outside of the Clerk's Office, electronic access to dockets is available through PACER. To obtain information or to register call 1-800-676-6851.
15. A file viewing room is located adjacent to the reception area. Files may be viewed in this area after signing the log sheet and presenting identification. Files are to be returned by **1:00 pm**. Under no circumstances are files to be removed from the viewing room.
16. The Clerk's Office can only accept payment by **exact change or check** made payable to Clerk, U.S. District Court. No change can be made for fees or the public copy machine.
17. Two pay copy machines are located in the file viewing room for public use, at fifteen cents (\$.15) per page. Copy cards may be purchased at the snack bar on the first floor. Orders for copywork may be placed through Eddie's Document Retrieval by phoning 415-317-5556. Arrangements may be made to bring in a personal copier by calling the Clerk's Office in advance.
18. We have a drop box for filing when the Clerk's Office is closed. Please see attached for availability and instructions.

SAN FRANCISCO

Article III Judges	Judges Initials	Magistrate Judges	Judges Initials
Alsup, William H.	WHA	Chen, Edward M.	EMC
Breyer, Charles R.	CRB	James, Maria-Elena	MEJ
Chesney, Maxine M.	MMC	Laporte, Elizabeth D.	EDL
Conti, Samuel	SC	Larson, James	JL
Hamilton, Phyllis J.	PJH	Spero, Joseph C.	JCS
Henderson, Thelton E.	TEH	Zimmerman, Bernard	BZ
Illston, Susan	SI		
Jenkins, Martin J.	MJJ		
Patel, Marilyn Hall	MHP		
Schwarzer, William W	WWS		
Walker, Vaughn R	VRW		
White, Jeffrey S.	JSW		

SAN JOSE

Article III Judges	Judges Initials	Magistrate Judges	Judges Initials
Fogel, Jeremy	JF	Lloyd, Howard R.	HRL
Ware, James	JW	Seeborg, Richard	RS
Whyte, Ronald M.	RMW	Trumbull, Patricia V.	PVT

OAKLAND

Article III Judges	Judges Initials	Magistrate Judges	Judges Initials
Armstrong, Sandra B.	SBA	Brazil, Wayne D.	WDB
Jensen, D. Lowell	DLJ		
Wilken, Claudia	CW		

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 NOTICE OF ASSIGNMENT OF CASE
5 TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL
6

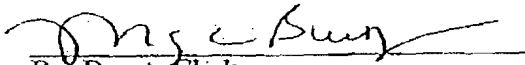
7 Pursuant to General Order 44, the Assignment Plan of the United States District Court
8 for the Northern District of California, this case has been randomly assigned to Magistrate Judge
9 **ELIZABETH D. LAPORTE**

10 Pursuant to Title 28 U.S.C. § 636(c), with written consent of all parties, a magistrate
11 judge may conduct all proceedings in the case. Attached is a form to complete if you consent to
12 proceed before the assigned magistrate judge and a form to complete if you decline to proceed
13 before the assigned magistrate judge. Electronic versions of both forms are also available at the
14 Court's Internet site: <http://www.cand.uscourts.gov>. Click on Forms-Civil. A party is free to
15 withhold consent without adverse consequences. If a party declines to consent, the case will be
16 randomly reassigned to a district judge and a case management conference will be scheduled on
17 the district judge's calendar as close as possible to the date presently scheduled before the
18 magistrate judge.

19 You must file your consent or declination by the deadline for filing the initial case
20 management statement.

21 The plaintiff or removing party shall serve a copy of this notice and all attachments upon
22 all other parties to this action pursuant to Federal Rules of Civil Procedure 4 and 5.

23
24 FOR THE COURT
25 RICHARD W. WIEKING, CLERK

26
27 
28 By: Deputy Clerk

MARY ANN BUCKLEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C

Plaintiff(s),

**CONSENT TO PROCEED BEFORE A
UNITED STATES MAGISTRATE JUDGE**

v.

Defendant(s).

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

Dated: _____

Signature _____

Counsel for _____
(Plaintiff, Defendant or indicate "pro se")

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 No. C

11 Plaintiff(s),

DECLINATION TO PROCEED BEFORE
A MAGISTRATE JUDGE

12 v.

AND
REQUEST FOR REASSIGNMENT TO A
UNITED STATES DISTRICT JUDGE

13 Defendant(s).
14
15

16 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

17 The undersigned party hereby declines to consent to the assignment of this case to a United
18 States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to
19 a United States District Judge.
20

21 Dated: _____

Signature _____

22 Counsel for _____
23 (Plaintiff, Defendant, or indicate "pro se")
24
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26
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U.S. District Court Northern California

ECF Registration Information Handout

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Local Rule 5-4 and General Order 45. This means that you must (check off the boxes ☒ when done):

- ☐ **1) Register** to become an efiler by filling out the efiler application form. Follow ALL the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- ☐ **2) Serve this** ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. **DO NOT** serve the efiler application form, just this handout.
- ☐ **3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- ☐ **4) PACER** (Public Access to Court Electronic Records) access is mandatory to access dockets and documents. If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call (800) 676-6856.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

All subsequent papers in this case shall be filed electronically.

ECF registration forms, interactive tutorials and complete instructions for efilings may be found on the ECF website: <http://ecf.cand.uscourts.gov>

Submitting Initiating Documents

PDF versions of all the initiating documents originally submitted to the court (Complaint or Notice of Removal, exhibits, etc.) must be **emailed (not efiled)** to the **PDF email box for the presiding judge** (not the referring judge, if there is one) **within 10 (ten) business days** of the opening of your case. For a complete list of the email addresses, please go to: <http://ecf.cand.uscourts.gov> and click on [Judges].

U.S. District Court Northern California

Submitting Initiating Documents (continued)

You must include the case number and judge's initials in the subject line of all relevant emails to the court. You do not need to wait for your registration to email these documents.

These documents must be emailed instead of e-filed to prevent duplicate entries in the ECF system. All other documents must be e-filed from then on. You do not need to efile or email the Civil Cover Sheet, Summons, or any documents issued by the court at case opening; note that you do need to efile the Summons Returned.

Converting Documents to PDF

Conversion of a word processing document to a PDF file is required before any documents may be submitted to the Court's electronic filing system. Instructions for creating PDF files can be found at the ECF web site: <http://ecf.cand.uscourts.gov>, and click on **[FAQ]**.

Email Guidelines: When sending an email to the court, the subject line of the email **must** contain the **case number**, **judge's initials** and the **type of document(s)** you are sending, and/or the topic of the email.

Examples: The examples below assume your case number is 03-09999 before the Honorable Charles R. Breyer:

Type of Document	Email Subject Line Text
Complaint Only	03-09999 CRB Complaint
Complaint and Notice of Related Case	03-09999 CRB Complaint, Related Case
Complaint and Motion for Temporary Restraining Order	03-09999 CRB Complaint, TRO

Questions

Almost all questions can be answered in our **FAQs** at <http://ecf.cand.uscourts.gov>, please check them first.

You may also email the ECF Help Desk at ECFhelpdesk@cand.uscourts.gov or call the toll-free ECF Help Desk number at: (866) 638-7829.

The ECF Help Desk is staffed Mondays through Fridays from 9:00am to 4:00pm Pacific time, excluding court holidays.

ORIGINAL
FILED

AUG 13 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 WHITNEY A. DAVIS, #149523
2 CHARTER DAVIS, LLP
3 Attorneys at Law
4 1730 I Street, Suite 240
5 Sacramento, California 95814
6 Telephone: (916) 448-9000
7 Facsimile: (916) 448-9009

8 Attorneys for VIAD CORP, and THE DIAL
9 CORPORATION, individually
10 and as alleged successors-in-interest
11 to Griscom-Russell Company

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

EDL

C 07 4155

Federal Case No.

State Case No. CGC 06-452792

11 ROBERT GARRITANO,

12 Plaintiff,

13 v.

NOTICE OF REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. SECTIONS
1442(a)(1) AND 1446(a)

14 ASBESTOS DEFENDANTS (B♢P) As
15 Reflected on Exhibits B, B-1, C, H, I; and
16 DOES 1-8500.

17 Defendants.

BY FAX

18 TO THE CLERK OF THE ABOVE-REFERENCED COURT:

19 PLEASE TAKE NOTICE that Defendant, VIAD CORP, and THE DIAL
20 CORPORATION, individually and as alleged successors-in-interest to Griscom-Russell
21 Company (hereinafter "VIAD"), hereby removes to this Court the state court action described
22 below, pursuant to 28 U.S.C. sections 1442(a)(1) and 1446(a).

23 PRELIMINARY MATTERS

24 1. On June 1, 2006, Plaintiff ROBERT GARRITANO, filed this lawsuit
25 ("Complaint") in the Superior Court of the State of California, County of San Francisco, Case
26 No. CGC 06-452792, and entitled ROBERT GARRITANO vs. ASBESTOS DEFENDANTS,
27 et al. A true and correct copy of the Complaint is attached hereto as Exhibit "A."

28 ///

Charter Davis LLP
Attorneys at Law
1730 I Street, #240
Sacramento, CA 95814
phone (916) 448-9000

2. Defendant VIAD first received the Complaint on July 11, 2007, with a Summons reflecting that service of process took place by process server on VIAD's authorized agent on July 11, 2007. A true and correct copy of the summons is attached hereto included in Exhibit "B".

3. This Notice of Removal is timely in that it is filed within 30 days of service of the Complaint, with three additional days added by Rule 6 by which VIAD received its first notice of the facts indicating that the case was removable within the meaning of 28 U.S.C. §1446(b).

NATURE OF THE CASE

4. This case is based upon Plaintiff ROBERT GARRITANO developed an asbestos-related disease, specifically asbestosis, allegedly caused by his exposure to asbestos dust and/or fibers.

5. Plaintiffs assert negligence, strict product liability, false representation, concert of action, and fraud, against VIAD.

CONCLUSION

6. Removal of this action is proper under 28 U.S.C. §1442, because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter pursuant to 28 U.S.C. §1442(a)(1) because VIAD CORP, as the alleged successor-in-interest to Griscom-Russell Company, was acting under an officer or agency of the United States government, namely the United States Navy.

THEREFORE, VIAD, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. §1446, remove this action for trial from the Superior Court of the State of California for the County of San Francisco.

Dated: August 13, 2007

CHARTER DAVIS, LLP

By: /s/ Whitney A. Davis
Attorneys for Defendant Viad Corp, individually and
as alleged successor-in-interest to Griscom-Russell
Company

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Exhibit A

Charter Davis LLP
Attorneys at Law
1730 I Street, #240
Sacramento, CA 95814
phone (916) 448-9000

CASE NUMBER: CGC-06-452792 ROBERT GARRITTA^{7ND} VS. ASBESTOS DEFENDANTS (B*P)A:

NOTICE TO PLAINTIFF

A Case Management Conference is set for:

DATE: JUN-21-2007

TIME: 1:30PM

**PLACE: Department 206
400 McAllister Street
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.3 and 3.4.

CRC 212 (g)(1) requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]

Superior Court Alternative Dispute Resolution Coordinator
400 McAllister Street, Room 103
San Francisco, CA 94102
(415) 551-3876

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): DAVID R. DONADIO, ESQ., STATE BAR NO. 154436 BRAYTON✶PURCELL LLP 222 Rush Landing Road Novato, California 94948-6169 TELEPHONE NO: (415) 898-1555 FAX NO: (415) 898-1247		FOR COURT USE ONLY ENDORSED FILED <i>San Francisco County Superior Court</i> JUN 1 2006 GORDON PARK-LI, Clerk BY: <u>CRISTINA E. BAUTISTA</u> <i>Deputy Clerk</i>	
ATTORNEY FOR (NAME): Plaintiff(s) SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		CASE NUMBER: CGC-06-452792 JUDGE: DEPT.:	
CASE NAME: ROBERT GARRITANO vs. ASBESTOS DEFENDANTS (B✶P)			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below of the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input checked="" type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product Liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental / Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court
f. <input type="checkbox"/> Substantial post-judgment judicial supervision |
|--|---|
3. Type of remedies sought (check all that apply):
- a. ☒ Monetary b. ☐ Nonmonetary; declaratory or injunctive relief c. ☒ Punitive
4. Number of causes of action (specify): 7
5. This case ☐ is ☒ is not a class action suit.
- Date: 5/3/06 David R. Donadio
 (TYPE OR PRINT NAME)
- (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.

• File this cover sheet in addition to any cover sheet required by local court rule.

• If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

• Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

Page 1 of 2

1 DAVID R. DONADIO, ESQ., S.B. #154436
 2 BRAYTON ♦ PURCELL LLP
 3 Attorneys at Law
 4 222 Rush Landing Road
 5 P.O. Box 6169
 6 Novato, California 94948-6169
 7 (415) 898-1555
 8 Attorneys for Plaintiff

ENDORSED
 FILED
 San Francisco County Superior Court

JUN 1 2006

GORDON PARK-LI, Clerk
 BY: CRISTINA E. BAUTISTA
 Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN FRANCISCO
 JUN 21 2007 -12PM
 DEPARTMENT 206

11 ROBERT GARRITANO,
 12 Plaintiff,

CGC-06-452792
 No.

13 vs.

COMPLAINT FOR PERSONAL INJURY -
 ASBESTOS

14 ASBESTOS DEFENDANTS (B ♦ P)
 15 As Reflected on Exhibits B, B-1, C, H,
 16 I; and DOES 1-8500; and SEE
 ATTACHED LIST.

17 1. Plaintiff ROBERT GARRITANO was born December 15, 1931.

18 2. The ©Brayton ♦ Purcell Master Complaint for Personal Injury [and Loss of
 19 Consortium]- Asbestos (hereinafter "Master Complaint") was filed January 2, 2003, in San
 20 Francisco Superior Court. A copy of the Master Complaint and General Order No. 55 may be
 21 obtained upon request from Brayton ♦ Purcell, and designated portions of the Master Complaint
 22 are incorporated by reference herein pursuant to the authority conferred by General Order No. 55.
 23 Plaintiff's claims are as set forth in said Master Complaint against defendants herein as follows:

24 ///

25 ///

26 ///

DEFENDANTS* ON EXHIBITS:

<u>Cause of Action</u>	<u>B</u>	<u>B-1</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>	<u>J</u>	<u>K</u>	<u>L</u>	<u>M</u>
First (Negligence)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Second (Strict Liability)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	
Third (False Representation)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input type="checkbox"/>						
Fourth (Loss of Consortium)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fifth (Premises Owner/ Contractor Liability)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>										
Sixth, Seventh, Eighth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure)				<input type="checkbox"/>									
Ninth (Longshore and Harbor Workers Compensation Act [LHWCA])					<input type="checkbox"/>								
Tenth, Eleventh (F.E.L.A.)						<input type="checkbox"/>							
Twelfth, Thirteenth (Respiratory Safety Devices)							<input type="checkbox"/>						
Fourteenth, Fifteenth (Brake Shoe Grinding)							<input type="checkbox"/>						
Sixteenth (Concert of Action)								<input checked="" type="checkbox"/>					
Seventeenth, Eighteenth (Fraud, Deceit/Negligent Misrepresentation/Concealment)									<input checked="" type="checkbox"/>				
Nineteenth (Fraud/Deceit/ Intentional Misrepresentation)										<input type="checkbox"/>			
Twentieth (Fraud/Deceit - Kent)												<input type="checkbox"/>	

*and their alternate entities as set forth in the Master Complaint or on any Exhibit.

1 3. Plaintiff's asbestos-related injury, date of diagnosis, employment status, and
2 history of exposure to asbestos are as stated on Exhibit A.

3 4. Plaintiff's claims against defendant VIACOM, INC. (successor by merger to
4 CBS CORPORATION which is successor-in-interest to WESTINGHOUSE ELECTRIC
5 CORPORATION) exclude military and federal government jobsites.

6 Dated: 5/23/06

BRAYTON ♦ PURCELL LLP

7
8 By: 

David R. Donadio
Attorneys for Plaintiff

EXHIBIT A

Plaintiff's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
U.S. Navy	Naval Training Center Great Lakes, IL	Trainee	1950
	<u>U.S.S. GENERAL GEORGE M. RANDALL</u> (AP-115); Mare Island Naval Shipyard, Vallejo, CA	Fireman	1951-1952
	<u>U.S.S. HORNET</u> (CVA-12); Brooklyn Naval Shipyard, Brooklyn, NY	Boiler Operator	1953
	<u>U.S.S. LAKE CHAMPLAIN</u> (CVA-39)	Boiler Operator	1954
Crosby Valve and Gauge Wrentham, MA	Crosby Valve and Gauge Wrentham, MA	Service Technician	1957-1974
	Chevron (Standard) Richmond, CA		
	Mobil Oil Joliet, Illinois		
	Standard Oil of Ohio Lima, Ohio		
	Standard Oil Joliet, Illinois		
	Murphy Oil, Superior, WI		
	Rail Road Turnaround, Chicago, IL		
	Shell Oil Wood River, IL		
	Standard Oil Sugar Creek, MO		

///

EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Crosby Valve and Gauge Wrentham, MA (cont'd.)	Lion Oil Company El Dorado, AR	Service Technician	1957-1974
	Clark Oil Blue Island, IL		
	Amoco Oil Whiting, IL		
	Marathon Oil Co. Detroit, MI		
	Koch Refinery St. Paul, MN		
	Marathon Oil Co. St. Paul Park, MN		
	U.S. Steel Gary, Indiana		
	Masonite Corp. Laurel, MS		
	Union Carbide, Address unknown		
	Various ships at Dafoe Shipbuilding Bay City, MI including but not limited to:		
	<u>HMAS PERTH</u> (Australian Navy)		
	<u>HMAS HOBART</u> (Australian Navy)		
Protectoseal Co. Chicago, IL	Protectoseal Co. Chicago, IL	Sales Manager	1974-1976
	Standard Oil Sugar Creek, MO		
	Exxon Refinery, Baton Rouge, LA		
	Citgo Petroleum Corp. Lake Charles, LA		
///			

EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Protectoseal Co. Chicago, IL (cont'd.)	Marathon Oil St. Paul Park, MN	Sales Manager	1974-1976
	Owens-Illinois Glass Alton, IL		
	Dow Chemical East St. Louis, IL		
	Clark Oil Blue Island, IL		
	Lemont Refining, Lemont, IL		
	Chevron (Standard) Richmond, CA		
Fike Metal Products Blue Springs, Missouri	Fike Metal Products Blue Springs, Missouri	Sales Manager	1976-1979
	Exxon Baton Rouge, LA		
	Standard Oil Sugar Creek, MO		
	Shell Oil Martinez, CA		
	Mobil Chickasaw, AL		
	Shell Chemical Saraland, AL		
	Lion Oil Company El Dorado, AR		
	Chevron (Standard) Richmond, CA		
	Lemont Refining Lemont, IL		
	Clark Oil Blue Island, IL		
///			EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Fike Metal Products Blue Springs, Missouri (cont'd.)	Shell Oil Wood River, IL	Sales Manager	1976-1979
	Unknown location, Mount Vernon, IL		
	Amoco Whiting, Indiana		
	El Dorado Refining Co. El Dorado, KS		
	Farmland Industries Inc., Coffeyville, KS		
	Continental Oil, Westlake, LA		
	Marathon Oil Garyville, LA		
	Citgo Petroleum Corp., Lake Charles, LA		
	Marathon Oil Detroit, MI		
	Koch Oil St. Paul, MN		
	Marathon Oil St. Paul Park, MN		
	Standard Oil of Ohio Lima, Ohio		
	Phillips 66 Co. Kuparuk (Anchorage), AK		
	Chevron (Standard Oil) Honolulu, HI		
	Dow Chemical East St. Louis, IL		
	Owens-Illinois Glass Alton, IL		
///			

EXHIBIT A

EXHIBIT A (cont'd.)

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Fike Metal Products Blue Springs, Missouri (cont'd.)	Irwin Chemical Co. Des Moines, Iowa	Sales Manager	1976-1979
	USI Chemical Co. Clinton, Iowa		
Crane Valves Nuclear Division Atlanta, GA	Crane Valves Atlanta, GA	Sales Manager (Regional)	1979-1985
	Crystal River Powerhouse (Florida Power & Light Co.) FL; Turkey Point Powerhouse (Florida Power & Light Co.) Homestead, FL; St. Lucie Powerhouse (Florida Power & Light) FL		
	Duke Power Oconee Nuclear Powerhouse, Seneca, SC		
	Mississippi Power and Light		
	Alabama Power and Light		
	Texas Utility		
	Chevron Richmond, CA		
	Shell Oil Wood River, IL		
	Standard Oil Joliet, Illinois		
	Mobil Oil Joliet, IL		
	Browns Ferry Nuclear Power Plant (TVA) Athens, AL		
	Maracaibo Chemical Maracaibo, Venezuela		

///

EXHIBIT A

EXHIBIT A (cont'd.)

Plaintiff's exposure to asbestos and asbestos-containing products caused severe and permanent injury to the plaintiff, including, but not limited to breathing difficulties, asbestosis, and/or other lung damage, and increased risk and fear of developing mesothelioma, lung cancer and various other cancers. Plaintiff was diagnosed with asbestosis on or about June 14, 2004.

Plaintiff retired from his last place of employment at regular retirement age. He has therefore suffered no disability from his asbestos-related disease as "disability" is defined in California Code of Civil Procedure § 340.2.

EXHIBIT A

EXHIBIT BDEFENDANTS

AMERICAN STANDARD, INC.	PLANT INSULATION COMPANY
AQUA-CHEM, INC.	QUINTEC INDUSTRIES, INC.
ASBESTOS CORPORATION LIMITED	RAPID-AMERICAN CORPORATION
CROWN CORK & SEAL COMPANY, INC.	RILEY POWER INC.
THOMAS DEE ENGINEERING CO., INC.	THORPE INSULATION COMPANY
DURABLE MANUFACTURING COMPANY,	UNIROYAL HOLDING, INC.
INC.	VIACOM, INC.
THE GOODYEAR TIRE & RUBBER COMPANY	WESTERN MacARTHUR COMPANY
FOSTER WHEELER LLC	MacARTHUR COMPANY
GARLOCK SEALING TECHNOLOGIES, LLC	WESTERN ASBESTOS COMPANY
GENERAL REFRACTORIES	IMO INDUSTRIES, INC.
GENERAL ELECTRIC COMPANY	INGERSOLL-RAND COMPANY
OWENS-ILLINOIS, INC.	DOES 1-800
PARKER-HANNIFIN CORPORATION	

ALTERNATE ENTITY

CROWN CORK & SEAL COMPANY, INC.	MUNDET CORK COMPANY
FOSTER WHEELER LLC	FOSTER WHEELER CORPORATION
GARLOCK SEALING TECHNOLOGIES, LLC	GARLOCK, INC.
	COLTEC INDUSTRIES, INC.
	FAIRBANKS-MORSE
	FAIRBANKS MORSE ENGINES
	BELMONT PACKING & RUBBER CO.
	GARLOCK PACKING CO.
	U.S. GASKET CO.
	GOODRICH CORPORATION
	ENPRO INDUSTRIES, INC.
GENERAL ELECTRIC COMPANY	MATTEN X-RAY
	HOTPOINT ELECTRIC APPLIANCE COMPANY LIMITED
	TRUMBULL ELECTRIC MANUFACTURING COMPANY
	GE INDUSTRIAL SYSTEMS
	CURTIS TURBINES
	PARSONS TURBINES
	GENERAL ELECTRIC JET ENGINES
UNIROYAL HOLDING, INC.	UNIROYAL, INC.

///

///

///

EXHIBIT B

EXHIBIT B (cont'd.)

ALTERNATE ENTITY

RILEY POWER, INC.

BABCOCK BORSIG POWER, INC.
DB RILEY, INC.
RILEY STOKER CORPORATION
BADENHAUSEN
UNION IRON WORKS
UNION IRON WORKS OF SPOKANE, WA

VIACOM, INC.

CBS CORPORATION
WESTINGHOUSE ELECTRIC CORPORATION
WESTINGHOUSE ELECTRIC AND
MANUFACTURING COMPANY
B.F. STURTEVANT
KPIX TELEVISION STATION
PARAMOUNT COMMUNICATIONS, INC.

IMO INDUSTRIES, INC.

TRANSAMERICA DELAVAL, INC.
ENTERPRISE ENGINE & MACHINERY CO.
DE LAVAL STEAM TURBINE, INC.
DELAVAL STEAM TURBINE
DELAVAL INDUSTRIES INC.
DE LAVAL TURBINE, INC.
GENERAL METALS CORPORATION

INGERSOLL-RAND COMPANY

INGERSOLL-DRESSER PUMP
DRESSER-RAND CO.
PACIFIC PUMP WORKS
FLOWERVE CORPORATION
INGERSOLL ROCK DRILL COMPANY
TERRY STEAM TURBINE CO.
RAND DRILL COMPANY
RAND & WARING DRILL AND COMPRESSOR COMPANY
INGERSOLL-SERGEANT
SCHLAGE LOCK COMPANY
VON DUPRIN
THE TORRINGTON COMPANY
BLAW-KNOX COMPANY

EXHIBIT B-1

DEFENDANTS

HOPEMAN BROTHERS, INC.
J.T. THORPE & SON, INC.
DOES 1-800; DOES 1001-2000

///

///

EXHIBITS B, B-1

1 EXHIBIT B-1 (cont'd.)

2 ALTERNATE ENTITY

3 J.T. THORPE & SON, INC. THE THORPE COMPANY
 4 THORPE PRODUCTS CO.
 5 J.T. THORPE NORTHWEST

7 EXHIBIT C

8 DEFENDANTS

9 SHELL OIL COMPANY	THORPE INSULATION COMPANY
10 CHEVRON PRODUCTS COMPANY	WESTERN MacARTHUR COMPANY
HOPEMAN BROTHERS, INC.	MacARTHUR COMPANY
J.T. THORPE & SON, INC.	WESTERN ASBESTOS COMPANY
11 PLANT INSULATION COMPANY	DOES 1001-2000

12 ALTERNATE ENTITY

13 CHEVRON PRODUCTS COMPANY	CHEVRON U.S.A. PRODUCTS COMPANY
14	CHEVRON CORPORATION PRODUCTS COMPANY
15	CHEVRON CORPORATION
	CHEVRON OIL REFINERY
16	CHEVRON CHEMICAL COMPANY
	WILSHIRE OIL
17	STANDARD OIL COMPANY OF CALIFORNIA
	STANDARD OIL COMPANY OF CALIFORNIA,
	WESTERN OPERATIONS, INC.
18	GULF OIL COMPANY
	GULF OIL OF CALIFORNIA
19	GULF OIL CORPORATION
	GULF OIL PRODUCTS COMPANY
20	CHEVRON RESEARCH AND
	TECHNOLOGY
21	PACIFIC OIL REFINING
	PACIFIC REFINING CO.
22	SEQUOIA REFINING CORP.
	CHEVRON U.S.A., INC.
23	CHEVRON U.S.A. PRODUCTS, INC.

24 PREMISES OWNER
 25 DEFENDANTS

LOCATION

TIME PERIOD

26 SHELL OIL COMPANY	Shell Oil Refinery, Martinez, CA	1976-1979
----------------------	----------------------------------	-----------

27 ///

28 ///

EXHIBIT C

EXHIBIT C (cont'd.)PREMISES OWNER
DEFENDANTSLOCATIONTIME PERIOD

CHEVRON PRODUCTS COMPANY

Standard Oil, Richmond, CA

1957-1974;
1974-1976;
1976-1979;
1979-1985CONTRACTOR
DEFENDANTSLOCATIONTIME PERIOD

HOPEMAN BROTHERS, INC.

Mare Island Naval Shipyard-
Vallejo, CA

1/01/42-1952

Federal Shipbuilding & Drydock-
Kearny, NJ

1952

Newport News Shipbuilding &
Drydock-Newport News, VA

12/31/88

J.T. THORPE & SON, INC.

Various

Various

PLANT INSULATION COMPANY

Various

Various

THORPE INSULATION COMPANY

Various

Various

WESTERN MacARTHUR
COMPANY/MacARTHUR
COMPANY/WESTERN ASBESTOS
COMPANY

Various

Various

EXHIBIT C

EXHIBIT H

DEFENDANTS

METROPOLITAN LIFE INSURANCE COMPANY	STUART-WESTERN, INC.
PNEUMO ABEX LLC	RITESET MANUFACTURING COMPANY
BORGWARNER MORSE TEC, INC.	ASBESTOS MANUFACTURING COMPANY
HONEYWELL INTERNATIONAL, INC. (successor-in-	FIBRE & METAL PRODUCTS COMPANY
interest to ALLIEDSIGNAL, INC.)	LASCO BRAKE PRODUCTS
THE BUDD COMPANY	L.J. MILEY COMPANY
DAIMLERCHRYSLER CORPORATION	ROSSENDALE-RUBOIL COMPANY
DANA CORPORATION	SOUTHERN FRICTION MATERIALS COMPANY
FORD MOTOR COMPANY	U.S. SPRING & BUMPER COMPANY
GENERAL MOTORS CORPORATION	AUTO FRICTION CORPORATION
BRIDGESTONE/FIRESTONE	EMSCO ASBESTOS COMPANY
NORTH AMERICAN TIRE, LLC	FORCEE MANUFACTURING CORPORATION
LEAR SIEGLER DIVERSIFIED HOLDINGS CORP.	MOLDED INDUSTRIAL FRICTION CORPORATION
MAREMONT CORPORATION	NATIONAL TRANSPORT SUPPLY, INC.
MORTON INTERNATIONAL, INC.	SILVER LINE PRODUCTS, INC.
PARKER-HANNIFIN CORPORATION	STANDCO, INC.
STANDARD MOTOR PRODUCTS, INC.	UNIVERSAL FRICTION MATERIALS COMPANY
GATKE CORPORATION	WHEELING BRAKE BLOCK MANUFACTURING
GARLOCK SEALING TECHNOLOGIES, LLC	COMPANY
BRASSBESTOS BRAKE LINING COMPANY	OWENS-ILLINOIS, INC.
H. KRASNE MANUFACTURING COMPANY	BELL ASBESTOS MINES LTD.
AUTO SPECIALTIES MANUFACTURING COMPANY	DOES5000-8000

EXHIBIT I

DEFENDANTS

METROPOLITAN LIFE INSURANCE COMPANY
 OWENS-ILLINOIS, INC.
 PNEUMO ABEX LLC
 GATKE CORPORATION
 GARLOCK SEALING TECHNOLOGIES, LLC
 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
 UNDERWRITERS LABORATORIES, INC.
 DOES5000-7500

EXHIBITS H, I

DAVID R. DONADIO, ESQ., S.B. #154436
 BRAYTON ♦ PURCELL LLP
 Attorneys at Law
 222 Rush Landing Road
 P.O. Box 6169
 Novato, California 94948-6169
 (415) 898-1555
 Attorneys for Plaintiff

ENDORSED
 FILED
 San Francisco County Superior Court

JUN 1 2006

GORDON PARK-LI, Clerk
 BY: CRISTINA E. BAUTISTA
 CASE MANAGEMENT CONFERENCE

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN FRANCISCO
 DEPARTMENT 206
 JUN 1 2007 -1:20PM

ROBERT GARRITANO,
 Plaintiff,

vs.

ASBESTOS DEFENDANTS (B ♦ P)

No.

C6C-06-452792

PRELIMINARY FACT SHEET/NEW
 FILING/ASBESTOS LITIGATION

(See General Order No. 129, In Re:
Complex Asbestos Litigation)

NOTICE

TO NEW DEFENDANTS SERVED IN COMPLEX ASBESTOS LITIGATION IN THE
 SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA, CITY AND COUNTY OF
 SAN FRANCISCO

You have been served with process in an action which has been designated by the Court
 as complex litigation pursuant to Standard 19 of the Standards of Judicial Administration. This
 litigation bears the caption "In Re: Complex Asbestos Litigation", [San Francisco Superior
 Court No. 828684].

This litigation is governed by various general orders, some of which affect the judicial
 management and/or discovery obligations, including the responsibility to answer interrogatories
 deemed propounded in the case. You may contact the Court or Designated Defense Counsel,
 Berry & Berry, P.O. Box 16070, 2930 Lakeshore Avenue, Oakland, CA 94610; Telephone:
 (510) 835-8330; FAX: (510) 835-5117, for further information and/or copies of these orders, at
 your expense.

1. State the complete name and address of each person whose claimed exposure to asbestos is
 the basis of this lawsuit ("exposed person"): Robert Garritano, 6701 West 146th Terrace, Apt.
#1205, Overland Park, Kansas 66223.

K:\Unrecord\103122\comp-factur.wpd

1

PRELIMINARY FACT SHEET/NEW FILING/ASBESTOS LITIGATION

BRAYTON ♦ PURCELL LLP
 ATTORNEYS AT LAW
 222 RUSH LANDING ROAD
 P.O. BOX 6169
 NOVATO, CALIFORNIA 94948-6169
 (415) 898-1555

1 2. Does plaintiff anticipate filing a motion for a preferential trial date within the next four
 2 months? Yes X No
 3 [If yes, the action will be governed by General Order No. 140; if no, the action will be governed
 4 by General Order No. 129.]

5 3. Date of birth of each exposed person in item one and, if applicable, date of death:

6 Date of Birth: [REDACTED]

7 Date of Death: N/A

8 Social Security Number of each exposed person:

9 [REDACTED]

10 4. Specify the nature or type of asbestos-related disease alleged by each exposed person.

11 X Asbestosis Mesothelioma
 12 Pleural Thickening/Plaques Other Cancer: Specify:
 13 Lung Cancer Other Than Mesothelioma Other: Specify:

14 5. For purposes of identifying the nature of exposure allegations involved in this action, please
 15 check one or more:

16 X Shipyard Construction Friction-Automotive
 17 Premises Aerospace Military
 18 X Other: Specify all that apply: Industrial/Refinery

19 If applicable, indicate which exposure allegations apply to which exposed person.

20 6. Identify each location alleged to be a source of an asbestos exposure, and to the extent known,
 21 provide the beginning and ending year(s) of each such exposure. Also specify each exposed
 22 person's employer and job title or job description during each period of exposure. (For example:
 23 "San Francisco Naval Shipyard - Pipefitter - 1939-1948"). Examples of locations of exposure
 24 might be a specific shipyard, a specific railroad maintenance yard, or perhaps more generalized
 25 descriptions such as "merchant marine" or "construction". If an exposed person claims exposure
 26 during only a portion of a year, the answer should indicate that year as the beginning and ending
 27 year (e.g., 1947-1947).

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<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
U.S. Navy	Naval Training Center Great Lakes, IL	Trainee	1950
	<u>U.S.S. GENERAL GEORGE M. RANDALL</u> (AP-115); Mare Island Naval Shipyard, Vallejo, CA	Fireman	1951-1952
	<u>U.S.S. HORNET</u> (CVA-12); Brooklyn Naval Shipyard, Brooklyn, NY	Boiler Operator	1953
	<u>U.S.S. LAKE CHAMPLAIN</u> (CVA-39)	Boiler Operator	1954
Crosby Valve and Gauge Wrentham, MA	Crosby Valve and Gauge Wrentham, MA	Service Technician	1957-1974
	Chevron (Standard) Richmond, CA		
	Mobil Oil Joliet, Illinois		
	Standard Oil of Ohio Lima, Ohio		

(Attach Additional Pages, If Necessary) SEE ATTACHED CONTINUATION

7. For each exposed person who:
- worked in the United States or for a U.S. agency outside the territorial United States, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Earnings authorization (Exhibit N-4 to General Order No. 129);
 - may have had a Social Security disability award or is no longer employed and whose last employment was not with a United States government agency, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Disability authorization (Exhibit N-5 to General Order No. 129);
 - served at any time in the United States military, attach to the copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of the stipulation (Exhibit N-3 to General Order No. 129);

1 d. was employed by the United States government in a civilian capacity, attach to the
2 copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of
3 the stipulation (Exhibit N-3 to General Order No. 129).

4 8. If there is a wrongful death claim, attach to the copy of this fact sheet provided to Designated
5 Defense Counsel a copy of the death certificate, if available. If an autopsy report was done, also
6 attach a copy of it to the copy of this fact sheet provided to Designated Defense Counsel.

7 9. State the date of the filing of the initial complaint in this matter:

8 June 1, 2006

9 By:


Attorney for Plaintiff

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<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Crosby Valve and Gauge Wrentham, MA (cont'd.)	Standard Oil Joliet, Illinois	Service Technician	1957-1974
	Murphy Oil, Superior, WI		
	Rail Road Turnaround, Chicago, IL		
	Shell Oil Wood River, IL		
	Standard Oil Sugar Creek, MO		
	Lion Oil Company El Dorado, AR		
	Clark Oil Blue Island, IL		
	Amoco Oil Whiting, IL		
	Marathon Oil Co. Detroit, MI		
	Koch Refinery St. Paul, MN		
	Marathon Oil Co. St. Paul Park, MN		
	U.S. Steel Gary, Indiana		
	Masonite Corp. Laurel, MS		
	Union Carbide, Address unknown		
	Various ships at Dafoe Shipbuilding Bay City, MI including but not limited to:		
	<u>HMAS PERTH</u> (Australian Navy)		
	<u>HMAS HOBART</u> (Australian Navy)		

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Protectoseal Co. Chicago, IL	Protectoseal Co. Chicago, IL	Sales Manager	1974-1976
	Standard Oil Sugar Creek, MO		
	Exxon Refinery, Baton Rouge, LA		
	Citgo Petroleum Corp. Lake Charles, LA		
	Marathon Oil St. Paul Park, MN		
	Owens-Illinois Glass Alton, IL		
	Dow Chemical East St. Louis, IL		
	Clark Oil Blue Island, IL		
	Lemont Refining, Lemont, IL		
	Chevron (Standard) Richmond, CA		
Fike Metal Products Blue Springs, Missouri	Fike Metal Products Blue Springs, Missouri	Sales Manager	1976-1979
	Exxon Baton Rouge, LA		
	Standard Oil Sugar Creek, MO		
	Shell Oil Martinez, CA		
	Mobil Chickasaw, AL		
	Shell Chemical Saraland, AL		
	Lion Oil Company El Dorado, AR		

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Fike Metal Products Blue Springs, Missouri (cont'd.)	Chevron (Standard) Richmond, CA	Sales Manager	1976-1979
	Lemont Refining Lemont, IL		
	Clark Oil Blue Island, IL		
	Shell Oil Wood River, IL		
	Unknown location, Mount Vernon, IL		
	Amoco Whiting, Indiana		
	El Dorado Refining Co. El Dorado, KS		
	Farmland Industries Inc., Coffeyville, KS		
	Continental Oil, Westlake, LA		
	Marathon Oil Garyville, LA		
	Citgo Petroleum Corp., Lake Charles, LA		
	Marathon Oil Detroit, MI		
	Koch Oil St. Paul, MN		
	Marathon Oil St. Paul Park, MN		
	Standard Oil of Ohio Lima, Ohio		
	Phillips 66 Co. Kuparuk (Anchorage), AK		
	Chevron (Standard Oil) Honolulu, HI		

<u>Employer</u>	<u>Location of Exposure</u>	<u>Job Title</u>	<u>Exposure Dates</u>
Fike Metal Products Blue Springs, Missouri (cont'd.)	Dow Chemical East St. Louis, IL	Sales Manager	1976-1979
	Owens-Illinois Glass Alton, IL		
	Irwin Chemical Co. Des Moines, Iowa		
	USI Chemical Co. Clinton, Iowa		
Crane Valves Nuclear Division Atlanta, GA	Crane Valves Atlanta, GA	Sales Manager (Regional)	1979-1985
	Crystal River Powerhouse (Florida Power & Light Co.) FL; Turkey Point Powerhouse (Florida Power & Light Co.) Homestead, FL; St. Lucie Powerhouse (Florida Power & Light) FL		
	Duke Power Oconee Nuclear Powerhouse, Seneca, SC		
	Mississippi Power and Light		
	Alabama Power and Light		
	Texas Utility		
	Chevron Richmond, CA		
	Shell Oil Wood River, IL		
	Standard Oil Joliet, Illinois		
	Mobil Oil Joliet, IL		
	Browns Ferry Nuclear Power Plant (TVA) Athens, AL		

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Exhibit B

Charter Davis LLP
Attorneys at Law
1730 I Street, #240
Sacramento, CA 95814
phone (916) 448-9000

SUMMONS (CITATION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

ASBESTOS DEFENDANTS (B-❖P)

[As Reflected on Exhibits B, B-1, C, H, I; and DOES 1-8500;
and SEE ATTACHED LIST.FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ROBERT GARRITANO

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN FRANCISCO COUNTY SUPERIOR COURT
400 McAllister Street
San Francisco, CA 94102

CASE NUMBER:

000-06-452792

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

DAVID R. DONADIO, ESQ., STATE BAR NO. 154436
BRAYTON❖PURCELL LLP
222 Rush Landing Road, Novato, CA 94948-6169

GORDON PARKER

(415) 898-1555

DATE:

(Fecha) JUN 1 2006

Clerk, by

(Secretario)

CRISTINA BAUTISTA

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO PERSON SERVED: You are served

[SEAL]

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association of partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

SHAW, SMITH & GARDNER LLP
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P.O. Box 6169
NOVATO, CALIFORNIA 94948-6169
(415) 898-1555

1
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3 AMERICAN STANDARD, INC.
4 AQUA-CHEM, INC.
5 ASBESTOS CORPORATION LIMITED
6 CROWN CORK & SEAL COMPANY, INC.
7 THOMAS DEE ENGINEERING CO., INC.
8 DURABLA MANUFACTURING COMPANY, INC.
9 THE GOODYEAR TIRE & RUBBER COMPANY
10 FOSTER WHEELER LLC
11 GARLOCK SEALING TECHNOLOGIES, LLC
12 GENERAL REFRACTORIES
13 GENERAL ELECTRIC COMPANY
14 OWENS-ILLINOIS, INC.
15 PARKER-HANNIFIN CORPORATION
16 PLANT INSULATION COMPANY
17 QUINTEC INDUSTRIES, INC.
18 RAPID-AMERICAN CORPORATION
19 RILEY POWER INC.
20 THORPE INSULATION COMPANY
21 UNIROYAL HOLDING, INC.
22 VIACOM, INC.
23 WESTERN MacARTHUR COMPANY
24 MacARTHUR COMPANY
25 WESTERN ASBESTOS COMPANY
26 IMO INDUSTRIES, INC.
27 INGERSOLL-RAND COMPANY
28 HOPEMAN BROTHERS, INC.
J.T. THORPE & SON, INC.
SHELL OIL COMPANY
CHEVRON PRODUCTS COMPANY
METROPOLITAN LIFE INSURANCE COMPANY
GATKE CORPORATION
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
UNDERWRITERS LABORATORIES, INC.
PNEUMO ABEX LLC
and DOES 1-8500,

Defendants.

Robert Garritano vs. Asbestos Defendants (B❖P)
San Francisco Superior Court

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and am employed in the County of Sacramento. I am over
3 the age of 18 years and not a party to the within cause; my business address is 1730 I Street, Suite
240, Sacramento, California 95814.

4 I am familiar with the business practice at my place of business for collection and processing
5 of documents for mail. Documents so collected and processed, with postage fully prepaid, will be
deposited with the United States Postal Service that same day in the ordinary course of business.

6 On August 13, 2007, I served the following document(s):

7 **NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. SECTIONS 1442(a)1**
8 **AND 1446(a)**

9 On all interested parties in said cause, by delivering a true copy as follows:

10 **X BY MAIL** I placed a true copy thereof enclosed in a sealed envelope with postage thereon
fully prepaid. I deposited said envelope in the United States mail in Sacramento, California.
C.C.P. §1013(a)(b)

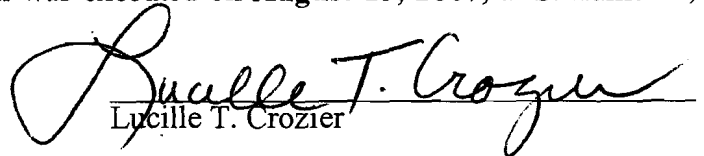
11 **BY PERSONAL SERVICE** I placed a true copy thereof enclosed in a sealed envelope and
12 caused such envelope to be delivered by hand via _____ to the offices of the
addressed below. C.C.P. §1011(a)(b)

13 **BY OVERNIGHT DELIVERY** I sent a true copy thereof for overnight delivery via
14 FEDERAL EXPRESS. C.C.P. §1013(c)(d)

15 Each envelope (if applicable) was addressed as follows:

16 Mr. David Donadio
17 **BRAYTON PURCELL, LLP**
222 Rush Landing Road
18 P.O. Box 6169
Novato, California 94948-6169

19 I declare under penalty of perjury under the laws of the State of California, that the foregoing
20 is true and correct, and that this declaration was executed on **August 13, 2007**, at Sacramento,
California.

21 
22 Lucille T. Crozier

JS 44 - CAND (Rev. 11/04)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I.(a) PLAINTIFFS

ROBERT GARRITANO,

DEFENDANTS

ASBESTOS DEFENDANTS, et al.

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT UNKNOWN
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)Whitney A. Davis, Charter Davis, LLP, 1730 I Street, Ste. 240,
Sacramento, CA 95814**ATTORNEYS (IF KNOWN)**David R. Donadio, Brayton Purcell, P.O. Box 6169, Novato, CA
94948-6169**II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)**

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ Original Proceeding
- ☒ Removed from State Court
- ☐ Remanded from Appellate Court
- ☐ Reinstated or Reopened
- ☐ Transferred from Another district (specify)
- ☐ Multidistrict Litigation
- ☐ Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury <input type="checkbox"/> 365 Personal Injury Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl.Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 150 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395M) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Amer w/ disab - Empl <input type="checkbox"/> 446 Amer w/ disab - Other	PRISONER PETITIONS <input type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	FEDERAL TAX SUITS <input type="checkbox"/> 970 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 971 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

COMPLAINT FOR PERSONAL INJURY - ASBESTOS -- 28 U.S.C. Section 1442(a)(1)

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ YES ☐ NO**VIII. RELATED CASE(S) IF ANY** PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".NONE**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)**

(PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND☐ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/13/07

BY FAX